IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 751 OF 2006

Mr. Ashok Mehta ...Applicant.

V/s

The State of Maharashtra ...Respondent.

Mr. Shirish Gupte, Sr. Advocate i/b M/s. Khaitan & Jayakar for the applicant.

Mr. Rajesh More, APP for the State.

ALONG WITH

CRIMINAL APPLICATION NO. 752 OF 2006

Mr. Ashok Phadnis ...Applicant.

V/s

The State of Maharashtra ...Respondent.

Mr. Shirish Gupte, Sr. Advocate i/b M/s Khaitan & Jayakar for the applicant.

Ms. Rajeshree M. Gadhvi, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 21st February, 2006

P.C.:

1. Heard the learned Counsel appearing on behalf of the applicants and the learned APP for the State.

2. The applicants in both these cases have an apprehension that they are likely to be arrested in connection with the offence which is registered with

the Sales Tax Police Cell, punishable under section 420, 465, 467, 468, 471 and section 34 of the Indian Penal Code. It is the case of the applicants that both of them were non-executive Directors of the said Company and, therefore, were not concerned with the day-to-day management and affairs of the Company. It is submitted that they have never participated in the day-to-day business of the Company nor have signed any documents or correspondence of the Company except attending the statutory board meetings of the Company. In view of this statement made by the learned Counsel appearing on behalf of the applicants, the learned APP, on instructions from the Investigating Officer Shri M.G. Girkar states that in view of these averments which are made in the applications, the applicants shall not be arrested in connection with the offence mentioned hereinabove which is registered with the Sale Tax Police Cell. He submits that, however, if during the course of investigation certain material is found against the applicants on the basis of which the custodial interrogation of the applicants would be needed, the Investigation Officer shall give 4 days notice in advance to the applicants and only after receipt of such notice, four days thereafter further steps would be taken to arrest the applicants during which period they may be at liberty to apply

before the Competent Court for anticipatory bail.

3. In view of the statement made by the Investigating Officer who is present in Court, the learned Counsel for the applicants does not wish to press the present applications at this stage. It is clarified that the applicants, in the meantime, to cooperate with the Investigating Officer in supplying such information as is required for the purpose of satisfying the Investigating Officer in respect of all the averments which are made in the present applications. The Investigating Officer may give sufficient notice to the applicants as they are stationed at Indore so that they can attend the concerned Sales Tax Police Cell. With these directions applications are allowed to be withdrawn with liberty to file fresh applications after four days notice is received by the applicants.

4. Certified copy expedited.

V.M. KANADE, J.